

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON FISH, WILDLIFE AND PARKS

Call to Order: By **CHAIRMAN DANIEL FUCHS**, on March 27, 2001 at 3 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Daniel Fuchs, Chairman (R)
Rep. Joe Balyeat, Vice Chairman (R)
Rep. George Golie, Vice Chairman (D)
Rep. Keith Bales (R)
Rep. Debby Barrett (R)
Rep. Paul Clark (D)
Rep. Ronald Devlin (R)
Rep. Tom Facey (D)
Rep. Nancy Fritz (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Larry Jent (D)
Rep. Jeff Laszloffy (R)
Rep. Diane Rice (R)
Rep. Rick Ripley (R)
Rep. Allen Rome (R)
Rep. Jim Shockley (R)
Rep. Donald Steinbeisser (R)
Rep. Bill Thomas (R)
Rep. Brett Tramelli (D)

Members Excused: None.

Members Absent: None.

Staff Present: Linda Keim, Committee Secretary
Doug Sternberg, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:
Executive Action: SB 163; SB 286; SB 304; SB
437; SB 431; SB 492

EXECUTIVE ACTION ON SB 437

Motion: REP. DEVLIN moved that **SB 437 BE CONCURRED IN.**

Discussion:

SENATOR MACK COLE, SD 4, HYSHAM introduced Amendment 43704, **EXHIBIT(fih69a01)**, and distributed two pages of questions and answers about SB 437, **EXHIBIT(fih69a02)**. He said concern has been expressed about section 1 costing a lot and being controversial. He said people probably wouldn't open their land just for an \$11.00 license, they would go into block management or something else. The bottom line was to get more land open. If we don't pass section 3 and try to get the hunters and landowners together on the 75% that would be offered first to the landowner, they will go back to the old system they used when there was game damage. These are not hunting licenses, they are game damage licenses. The important thing in the bill is to make sure that at least these animals are used properly when you have game damage.

CHAIRMAN FUCHS said he would turn the meeting over to **VICE CHAIRMAN BALLYEAT** for executive action on SB 437 as he wasn't at the Hearing on SB 437.

Motion: REP. DEVLIN moved that **AMENDMENT 43704 TO SB 437 DO PASS.**

Discussion:

Legislative Staffer Doug Sternberg explained Amendment 43704, which strikes all of section 1 and adds the words "or leased" to the title. It also stipulates that a landowner may not charge a fee to a hunter using a supplemental game damage hunting license. Also a landowner may designate up to 75% of the recipients with the remainder offered to hunters in a manner prescribed by the department. The language "on a first-come, first-serve basis" is stricken, and it now reads that if additional supplemental game damage licenses are available, the department may issue those licenses to resident and nonresident hunters.

REP. THOMAS asked about striking first-come, first-serve, line 9, page 4. How will the licenses be issued? **SEN. COLE** deferred to **Paul Sihler, Administrator of Field Services Division for Fish, Wildlife and Parks** who said this section could be applied before, during, or after a hunting season in districts that have either open or limited hunting. The intent is to make sure they had the ability to apply this section in all those circumstances. There are instances where there are permits only, and where they would draw from unsuccessful permit applicants, rather than a first-

come, first-serve basis. They were looking for the flexibility to apply whatever might apply in a particular situation.

CHAIRMAN FUCHS asked if the landowner who isn't allowing public hunting is going to be allowed to participate in the game damage hunting, or did the amendments take care of that. **Paul Sihler** referred to section 3, page 3 where it says to be eligible for this you must be eligible for game damage assistance under 87-1-225. That is the game damage statute that says you need to allow public hunting in order to be eligible for game damage assistance. It is there by reference.

REP. CLARK said the amendments don't go far enough, but he indicated that he will support them.

Motion/Vote: **REP. DEVLIN** moved that **AMENDMENT 43704 TO SB 437 BE ADOPTED. Motion carried unanimously.**

Motion: **REP. DEVLIN** moved that **SB 437 AS AMENDED BE CONCURRED IN AS AMENDED.**

Discussion:

Motion: **REP. CLARK** moved that **AMENDMENT 43705 TO SB 437 BE ADOPTED.**

Legislative Staffer Doug Sternberg referred to Amendment 43705, **EXHIBIT (fih69a03).** This amendment stipulates that elk permits must be allocated equally from all existing resident and nonresident permit pools.

REP. CLARK said it was never meant that this section would be allocated equally, it should read "proportionately". He also noted that he would move Amendment 43706 first as they should be dealt with in reverse order. If 43706 is adopted, 43705 is not necessary.

Motion: **REP. CLARK** moved that **AMENDMENT 43706 TO SB 437 DO PASS.**

Legislative Staffer Doug Sternberg referred to Amendment 43706, **EXHIBIT (fih69a04).** He said this amendment would strike section 2 in its entirety.

REP. CLARK explained that section 2 is not very different from section 1, except that it deals with elk, and section 1 deals with deer and antelope. It creates a sense of competition among landowners, puts FWP in an awkward position, and will create resentment with sportsmen. In the specific places where there is likely to be a problem, there are a limited number of permits

available from both resident and nonresident pools; these include permits that might go to licensed outfitters for their clients. If you take from some and give to others, there will be a lot of resentment. This issue should go to Public Lands Private Wildlife (PLPW) for a long process of hearings and discussions. The next amendment deals with a different section of the bill, page 4, lines 3-7 and may need to be segregated and voted separately. It says that kill permits can go to the landowner, or to the general hunting population and FWP will make that decision, not the landowner. This will also create a lot of resentment.

REP. DEVLIN said he would speak against Amendment 43706. The language in this bill is permissive and it says FWP may issue these permits. He had understood that permits were not going to come from existing pools, and that they were going to be able to issue these complimentary permits on the basis of the wildlife population. Popular opinion is that the landowner should be entitled to some compensation for having the wildlife on their property. The least that should be done is to grant a complimentary permit to the landowner.

REP. RIPLEY said he would also speak against this amendment. He understood the permits were not coming out of any certain pool, and that they were to be issued from no pools at all.

REP. BALES said this just gives the department another tool to open up more land for the sportsmen. Regarding deleting subsection (4), this doesn't come out of any pool, this is an amendment to give FWP the ability that no matter when the damage occurs, they can authorize the taking of those animals. This is a good tool. By doing it this way, the landowners will have incentive and know that their concerns have been considered. Urges a no vote on the amendment.

REP. BARRETT said she also opposes the amendment. PLPW is doing a good job, but it is a big debate. This addresses an issue when there is too much wildlife in the area and that damage continues. If these same landowners get a kill permit every year, there really is a problem. This bill is about damage. The issue here is that the private property owners are suffering great damage because of too many elk in some places, sometimes. Tools like this are badly needed.

REP. GOLIE said he would support this amendment. He stated that **REP. CLARK** is on the PLPW council and has studied these issues. He said that he thinks this is true, that in the interim they will look at this and make a decision in two years.

REP. RICE said this is a good intentioned bill, but people in the real market are paying \$200 a hunter versus everyone squabbling over giving the landowner a permit. It doesn't make sense. Why should they even open their land up just for one hunting permit versus the income?

REP. BALLYEAT said he is considering segregating Amendments 1,3,4 from Amendment 2 of 43706 and voting on them separately since they deal with two different sections. What is your response to Amendment 1 of 43706? **SEN. COLE** said he would like to keep it in, but would agree to segregating it out. They just passed **REP. CLARK's** bill that gives a free hunting permit for elk, which is not a lot different than the one here. He checked with Doug to see whether there was any problem with whether a person could get one elk permit under this bill or could get an elk permit under **REP. CLARK's** bill. It was his understanding that these could work simultaneously, but you could still only get one elk permit maximum. He said he hoped they would not take out the part on page 4. **REP. BALLYEAT** said to summarize this: you are not adverse to the first amendment that would strike section 2 in its entirety, but you prefer to keep it in if we can. On the amendments to page 4, you definitely would consider those an unfriendly amendment. **SEN. COLE** said that is correct, because page 4 is the important part of this bill. **REP. BALLYEAT** said he would move to go ahead and segregate the amendments out and vote on 2 separately. They would discuss 1,3,4 first.

REP. BALLYEAT asked why FWP was adverse to section 1 during the hearing and was not opposed to section 2, yet the two are similar except that section 2 deals with elk. What is the rationale? **Rich Clough, FWP** said one of the issues that brought that section about has to do with the Bull Mountain area out of Billings. It is one that is all permitted hunting, and it is very difficult to get access. The landowners themselves have stated that without some ability to get permits themselves, they are not willing to grant access. That has been the issue and why they supported the elk side more than the deer and antelope, in areas where they have plenty of permits available. Another reason they supported section 2 over section 1 had to do with the administrative side. It was impossible to do with the number of landowners involved. They feel the elk side is workable, however.

REP. CLARK asked **Rich Clough**, what his opinion is of SB 437 and HB 454 since they are similar. **Rich Clough** deferred to **Alan Charles, Coordinator of Landowner Sportsmen Relations, FWP** who said section 2 of SB 437 and HB 454 both address offering licenses as incentives to landowners who enter into contractual hunting access agreements for elk hunting. The key difference is that HB 454 negotiates more licenses offered both to the public

and to landowners, whereas SB 437 specifically offers a license to the landowner. Either could meet the needs of the department in situations such as the Bull Mountains. They could work together hand in hand.

REP. CLARK said this is a delicate issue because he has a very similar bill. The difference is strictly a difference in philosophy and how to meet the needs of those different groups without starting a range war. He said he agrees that landowners need recognition and he believes in public ownership of wildlife. It is where the two come together that we are constantly redrawing lines for discussion. The difference in his bill is that it was triggered by a management need. This bill is entitlement. The Wildlife Federation was against HB 454 because they thought it was too far over to the landowner side, while he thought it was right on. This bill will be divisive, and he does not want more division in the negotiation that has been going on.

REP. BARRETT said she opposes the amendment. The first amendment they passed with FWP as sponsor handled the concerns.

Motion/Vote: **REP. GUTSCHE** moved that **AMENDMENTS 1,3,4 OF 43706 ON SB 437 BE ADOPTED. Motion carried 12-7 with Bales, Barrett, Devlin, Rice, Ripley, Steinbeisser, and Thomas voting no.**

VICE CHAIRMAN BALLYEAT said the committee would discuss Amendment 2 on 43706 to strike subsection 4 in its entirety.

Motion: **REP. CLARK** moved that **AMENDMENT 2 OF 43706 ON SB 437 BE ADOPTED.**

Discussion:

REP. CLARK said this is the least objectionable part of this bill because currently if there is game damage on a landowner's property and FWP determines that kill permits should be issued to that landowner, he can be issued more than one kill permit, but it's a lot of work for the landowner. The question is, how to distribute those. Whether the landowner shoots the animals himself or gives the permits to someone else, he is concerned about the distribution of permits and how that will play out.

REP. JENT said his goal is to come out with a bill he can vote "yes" on and defend his position, and this is close. He believes from hearing supporting testimony that section 3 is a better utilization of wildlife than the current system of issuing kill permits. It helps the landowner and the sportsman and provides access to antlerless cow hunting. He agrees this is the least objectionable portion of the bill, but it is the one that has

caused the most fuss as far as correspondence he has received. He will vote for the amendment that takes out subsection 4.

REP. DEVLIN said he would speak against this amendment. The first amendment we passed takes out most of the objectionable things about this bill, it allows the department to set the rules and that section has been worked over very well without the addition of this amendment.

REP. FACEY asked what subsection 4, page 4, lines 3-7 means. If you give the game damage license to the landowner, can the landowner give that license to someone else? **Rich Clough, FWP** said no. In areas where unlimited licenses are available, anyone could buy a license for that district. In game damage situations, this would allow the landowner to designate certain people to obtain a license, versus a kill permit that they would do themselves and allow a hunter to take that animal. They would not issue the license, they would have to give the names to FWP and FWP would issue the license. **REP. FACEY** asked if someone could drive from Missoula to the local license agent and get a license for the same area. **Rich Clough** said that in a game damage situation, they normally go back to people that put in for permits in that area. They use the list that did not draw licenses and re-draw that listing and allow people to participate in order of draw. This bill allows the landowner to get someone locally to come and hunt and immediately address the game damage situation versus going through that process. This expedites game damage response, when necessary. **REP. FACEY** asked that part (b) of subsection 4 be addressed. If you have identified the need to take 50 deer, and it says 75% of the hunters that would participate in that hunt could be named by the landowner. 25% still had to come through FWP's normal process of a drawing. Specifically on subsection 4, page 4, line 5 where it says 75%, could that be changed to 50%. **SEN. COLE** said he would like to see it at 75%. The alternative if something like this is not done, when the game damage is higher, the animals will just be shot. By using 75%, you can get the game damage hunt done a lot faster. There is a lot of game damage early in the spring and summer, so keeping it at 75% may help.

REP. FACEY asked what the procedure is for supplemental game damage after FWP is called. **Rich Clough** said spring is the most difficult because they are out of that license year where they could draw from an existing pool of people that had put in for antlerless permits. Currently they don't have a procedure that uses hunters. They normally issue kill permits or try other means of addressing game damage, such as scare guns or herding.

REP. GOLIE said he objects to anyone besides FWP issuing a license, and subsection 3, line 1-2 takes care of that. He said he supports this amendment.

Motion/Vote: REP. GUTSCHE moved that **AMENDMENT 2 TO 43706 ON SB 437 BE ADOPTED. Motion failed 10-10 with Gutsche, Laszloffy, Shockley, Facey, Jent, Tramelli, Clark, Fritz, Gallus, and Golie voting aye.**

Motion: REP. GOLIE moved that **SB 437 AS AMENDED BE ADOPTED AS AMENDED.**

Discussion:

REP. GOLIE said he cannot support the bill since the last amendment was not passed.

Motion/Vote: REP. GUTSCHE moved that **SB 437 AS AMENDED BE ADOPTED AS AMENDED. Motion carried 12-8 with Gutsche, Laszloffy, Facey, Tramelli, Clark, Fritz, Gallus and Golie voting no. REP. Brueggeman will carry the bill on the house floor.**

EXECUTIVE ACTION ON HB 492

Motion: REP. GALLUS moved that **HB 492 BE CONCURRED IN.**

Discussion:

REP. LASZLOFFY distributed a letter he received from **Chris Wester, EXHIBIT(fih69a05)**, which opposes the bill. REP. LASZLOFFY attended FWP meetings and is concerned that FWP has tried to mediate disputes on rivers and the legislature said they wouldn't do that. REP. HARPER got HB 626 passed last session to eliminate problems on the Big Hole and Beaverhead. It was supposed to be limited powers given to FWP. As soon as the legislature was out of session, FWP rules gave sweeping powers through out the state to do the same thing as HB 626. **{Tape : 2; Side : A}** We are now trying to fund those powers using this mechanism and he doesn't think the legislature ever gave FWP those powers in the first place.

REP. GALLUS said he understood that HB 626 tried to deal with conflict between motor boats and rafters in places where you can operate a motor boat and you have a lot of float fishermen. What REP. LASZLOFFY was alluding to was SB 448 and was specific on two rivers. It was vetoed by then Governor Racicot. The commission used HB 626 to implement rules that deal with conflict on the Big Hole and the Beaverhead rivers. He said this is a fee increase

and he wants clarification on how the fee increase pertains to either SB 448 or HB 626. He still doesn't see what this bill has to do with conflict.

REP. BARRETT said she sees a bad scenario coming. If FWP would hire more game wardens, then you wouldn't allow the current past and present recreational user conflicts to get started and you wouldn't have to increase fees and educate people in those areas to deal with these issues.

REP. LASZLOFFY said FWP is now moving to mitigate conflicts not only between motorized and non-motorized crafts, but maybe between motorized crafts and duck hunters that are on the shore. Those were the sweeping powers that came out of **REP. HARPER's** bill, and Gov. Racicot said his bill did give FWP that power. SB 492 is trying to raise money to help mitigate conflicts between motorized and non-motorized craft and this is in the current code. They want to use the dollars to bring in the coast guard.

REP. RICE said the \$2.50 raise was to cover water police. There were approximately 12 people. Another question she asked during the hearing was whether we could be sure no more water bodies would be closed down with this bill, and the answer was no.

REP. JENT said it was his understanding that using these extra people would free up the wardens to do what they are supposed to do. He will support the bill because someone has to police these folks, from the activity he has seen. He said the increase was justified and would vote for the bill.

Motion/Vote: **REP. GOLIE** moved that **SB 492 BE CONCURRED IN. Motion failed 4-16 with Facey, Gallus, Gutsche, and Jent voting aye.**

EXECUTIVE ACTION ON SB 304

Motion: **REP. GALLUS** moved that **SB 304 BE CONCURRED IN.**

Motion: **REP. RIPLEY** moved that **AMENDMENT 30402 TO SB 304 BE ADOPTED.**

Discussion:

Legislative Staffer Doug Sternberg explained Amendment 30402, **EXHIBIT (fih69a06)**, which adds a requirement to FWP's administering of the upland game bird enhancement program that payments for projects authorized pursuant to 87-1-247 be supported by contracts, invoices, receipts, or other supporting documentation.

REP. RIPLEY said the rationale for the amendment was from page 30 of the upland game bird program audit where it stated that the only supporting documentation for payment was a handwritten note when it totaled over \$31,800.

Motion/Vote: **REP. RIPLEY** moved that **AMENDMENT 30402 TO SB 304 BE ADOPTED. Motion carried unanimously.**

REP. CLARK asked for comments about game bird releases and feeding programs. He said those were points of contention: releasing birds and then having bounties on coyotes who had been dining on pheasants. There are times when we give FWP free rein, and times when we don't. Currently we are authorizing the department to spend money on supplemental feeding programs and stocking birds when the effectiveness of those programs may be questionable.

REP. FACEY said he could support the feeding program because of the situation in the case of a late April ice storm with 1½ inches of ice everywhere that would be there for several days.

REP. BARRETT said she would support this because there is no sense in building up a population just to have them be wiped out. This gets back to FWP; they are the managers and they would know when it is detrimental to those populations to feed them and when it isn't.

REP. RIPLEY said he also supports the bill in its present form. He had an amendment drawn up to eliminate the supplemental feeding program, but he is convinced now. There are times when they need to supplement the feed for the success of the program. They do want as many birds as possible to live.

REP. CLARK said the committee is not being consistent. What is the formula for when we give FWP broad decision making authority and when we don't? He would suggest adding "for emergency management purposes". In this case the department is being given more flexibility, and in other situations we give them none.

CHAIRMAN FUCHS said that in order to distinguish that difference, it is up to this committee to look at the department and see where they have been responsible and where they haven't and make those determinations as we go along. There are times when you have to trust them and there are times when we know they haven't done their job and we have to pull back the reins.

Motion/Vote: **REP. GALLUS** moved that **SB 304 AS AMENDED BE ADOPTED AS AMENDED. Motion carried unanimously. REP. HEDGES** will carry the bill on the House floor.

EXECUTIVE ACTION ON SB 163

Motion: **REP. CLARK** moved that **SB 163 BE CONCURRED IN.**

Discussion:

CHAIRMAN FUCHS said he was not at the Hearing but has talked to **Bob Fanning** and would like to get some discussion going.

REP. CLARK said Montana must have a management plan in place in order to get the wolf and the grizzly bear off the endangered species list and get some control of their management. He supports the bill.

CHAIRMAN FUCHS said there was a timely article on the front page of "The Missoulian" yesterday entitled "Wolves Test Limits on Ranch Near Yellowstone". Apparently wolves are creating significant problems.

REP. RICE said since you missed the hearing, it is important that you know the State of Idaho has declared that there will be no more wolves in Idaho.

CHAIRMAN FUCHS said that whatever we do with this bill, it raises a question. This committee has the authority to send a letter to Governor Martz, and we have the authority to begin the petition process. It depends on the committee what we might want to do.

REP. GOLIE said he is under the impression that we need this legislation so we can get a handle on the wolves. Whether we like it or not, this is a piece of legislation that we have to support, so that in the end when the wolves get to that 30 breeding pairs we as a state can manage them. We need to support this legislation.

REP. RIPLEY asked how much this will cost once the state gets control. **REP. FACEY** said what **REP. GOLIE** said is true. Imagine the type of income they could get if they got to the point where the grizzly bear was delisted and they could sell grizzly bear licenses for \$20,000!

REP. JENT asked everyone to look at lines 6-8 of the bill to see what this bill does. "Reclassifying certain species to increase the state's ability to maintain or regain management authority rather than having management authority exercised by the federal government". Currently, Idaho does not have management authority over wolves. They can say whatever they want to say, just like all the resolutions we have made on the floor to the President and the Congress. If we want to do this within the law, so that

we can hunt these animals and have control over our business, we have to support this legislation. According to former Rep. **Chase Hibbard's** testimony at the hearing, there has to be a certain number of animals, there has to be a management plan in place, and there have to be changes in Montana legislation. If you don't pass the bill, the status quo with the federal government has plenary authority. He recommends a DO PASS based on **Chase Hibbard's** testimony. Right now, we have zero legal authority over these animals and that is what is wrong with the system.

CHAIRMAN FUCHS asked if anyone would like to do anything further, such as sending a letter to the Governor encouraging her to work with Idaho and Wyoming.

Motion/Vote: REP. GUTSCHE moved that **SB 163 BE CONCURRED IN.**
Motion carried unanimously. REP. FACEY will carry the bill.

REP. THOMAS said it should be a three state coalition. What is Wyoming doing? If we don't all do it together, what happens?

CHAIRMAN FUCHS said he understood that Idaho recognizes this as a significant problem. If our Governor were to approach them, asking them to join in a coalition with us, they would probably do so. Wyoming is hearing this same type of legislation next week. It only takes two states to petition the Secretary of the Interior. Does anyone else have more information? **Chris Smith, Chief of Staff, Fish, Wildlife and Parks** said any individual or any single state can petition the Secretary of the Interior to delist the wolf. If two states go together, the federal government has to pay the cost of administering the delisting process. Also, the way the federal government has applied the endangered species act, they will treat wolves throughout the tri-state area collectively. That is why FWP has been working with the three Governors and they have signed a memo of understanding committing the three states to work together.

REP. BALES said he understood that Montana's wolves are in the Rocky Mountain front range, and Wyoming's wolves are in Yellowstone Park. At one point, 10 breeding pairs were required in each of the three states. There was concern we would not have three breeding pairs in the Glacier National Park area because of conflicts with man and the depredation of those wolves. Is that still a concern, or do we have enough spilling out of Yellowstone Park that Montana alone would qualify with the 10 breeding pairs? **Chris Smith** said the initial rule that the National Fish and Wildlife Service (NFWS) adopted provided that they would initiate the delisting when there were 10 breeding pairs of wolves for three years in each of the three areas: northwestern Montana, central Idaho and Yellowstone National Park. At that time, their interpretation was that there had to be 10-10-10. Subsequently,

NFWS has determined that as long as there are at least 30 breeding pairs well distributed throughout the tri-state area that they would initiate delisting. If we have difficulty maintaining at least 10 breeding pairs in northwestern Montana, but we have 12 or 14 in Idaho and 12 in the Yellowstone ecosystem, we are above the 30 pairs level collectively. NFWS has indicated they would consider that a recovered population. **REP. BALES** asked if that means all three states have to work together because they have changed their thought process, or can Montana just go it alone, even though we may not have the 10 breeding pairs? **Chris Smith** said the three states will have to work together on delisting. We could draw up our own petition, but it would have to be to delist the entire area. NFWS does not recognize state boundaries when making listings or delistings.

CHAIRMAN FUCHS asked the committee if they wanted to go on record and send a letter to the Governor asking her to pursue this and to encourage Wyoming and Idaho to join with us to eliminate this delisting cost. **REP. BALES** said he would so move that we send a letter to the Governor asking her to do everything within her power to expedite the delisting of the wolf, working in conjunction with Idaho and Wyoming. Also, to do everything she can to expedite the delisting of the grizzly bear. **REP. RICE** said she would add that we ask the Governor to petition the Secretary of the Interior also.

CHAIRMAN FUCHS said it was moved and seconded that we send a letter to the Governor in regard to what **REP. BALES** said and **REP. RICE** amended. He then took a voice vote and it was unanimous. He said that he would give everyone a copy before the letters were mailed.

EXECUTIVE ACTION ON SB 286

Motion: **REP. GUTSCHE** moved that **SB 286 BE CONCURRED IN.**

Legislative Staffer Doug Sternberg explained Amendment 28601, **EXHIBIT (fih69a07)** which **SEN. STONINGTON** referenced when she introduced the bill. This amendment would strike subsection (5) concerning installation of interpretive and directional signage. The effect would be to limit additional signage to the orientation area.

Motion: **REP. CLARK** moved that **AMENDMENT 28601 TO SB 286 BE ADOPTED.**

Discussion:

REP. LASZLOFFY said he would oppose this amendment. The reason is because we are getting ready for the Lewis and Clark Bicentennial and people are coming to Headwaters State Park because something historic took place there. We would better serve those people if we explained what was going on when you see the three rivers coming together. We could also put a sunset in that said when the tourists were done coming at the end of the year, we could revert back to the primitive status of the park. Additional signage would give a better feel for what went on and what they are seeing, if only for that time period when there will be a huge influx of people.

REP. BARRETT said she agrees. Also, it was brought out in testimony that this is the most developed state park they have. There is a highway going through it and it is right next to a cement plant. It should never have been designated primitive to begin with.

REP. GALLUS said he is against the amendment. If people want to learn about these areas, they can read about it in books. He doesn't think the state should be spending money to put up signs.

REP. CLARK said the intention of the bill was so that money wouldn't be spent on a lot of frills that we don't need, just for one short bicentennial celebration. It will cost additional money to take them out.

REP. GUTSCHE said she would support this amendment to delete subsection (5), because it is already in the bill. They can add additional signage to inform visitors about the history. **SEN. STONINGTON** said there is already quite a bit of signage in this park, this in no way takes away authority to put in more signage. We don't need to be this specific and give this much direction.

REP. LASZLOFFY said we aren't taking about bill boards. We are talking about small trail signage. It is true that subsection 3(d) says we can add more signage, but that can only be in the orientation area. FWP will use discretion with these signs, and it won't take away from the ambiance of the park. We owe these people coming from thousands of miles away, to inform them about what they are seeing when they are standing on the edge of the bank looking out into the river and then looking at the other confluences coming in.

REP. THOMAS said that just because we aren't charging these people a sales tax doesn't mean that we have to be cheap with our information. Let's give them a good trip while they are here.

Motion/Vote: REP. LASZLOFFY moved that **AMENDMENT 28601 TO SB 286 BE ADOPTED**. Motion failed 8-12 with Gutsche, Tramelli, Fritz, Gallus, Clark, Facey, Golie and Jent voting aye.

REP. BALLYEAT said this is a good bill. He said that he has missed out on some of the discussion, but has talked with SEN. STONINGTON and feels it is needed. He urged a DO PASS.

Motion/Vote: REP. GALLUS moved that **SB 286 BE CONCURRED IN**. Motion carried unanimously. REP. BALLYEAT will carry the bill.

EXECUTIVE ACTION ON SB 431

Motion: REP. CLARK moved that **SB 431 BE CONCURRED IN**.

Motion: REP. CLARK moved that **AMENDMENT 43102 TO SB 431 BE CONCURRED IN**.

Legislative Staffer Doug Sternberg explained that REP. GALLUS attached some amendments last week when we moved this bill off the table. The amendments concerned fishing flies, etc. and were adopted and they removed the word "incidental". The current 02 amendment, **EXHIBIT(fih69a08)**, specifically lists three species of mammals, all amphibians and reptiles that may not be taken for commercial purposes. It also changes language to read that the harvest of the prairie rattlesnake for commercial purposes may not be regulated under this section, and removes language about a species in need of management.

REP. CLARK said the purpose of the amendments is to specify which critters are covered, rather than make a broad assumption that all critters are covered unless otherwise indicated. This covers the animals that are likely to be confiscated and used for commercial purposes or as pets. **EXHIBIT(fih69a09)** is a list of animals that would be regulated by SB 431 with REP. CLARK's amendment.

REP. RIPLEY asked what the penalty for commercialized use would be. REP. CLARK said he did not know of a specific penalty. **Doug Sternberg** said this would be codified in title 87, chapter 5. 87-5-111 sets up the penalty for any violation as a misdemeanor with a fine of \$250 or less for first conviction, and \$500.

REP. RIPLEY said people won't carry the list around, it is too cumbersome. He said he doesn't see the point to all this.

REP. CLARK said this is not for picking up one horny toad and taking it home, this is for broad commercial purposes. The focus

of this bill is to keep our wildlife from being pirated out of state.

Motion/Vote: REP. CLARK moved that AMENDMENT 43102 TO SB 431 BE ADOPTED. Motion carried 13-7 with Bales, Barrett, Devlin, Fuchs, Rice, Ripley, and Steinbeisser voting no.

Motion/Vote: REP. CLARK moved that SB 431 AS AMENDED BE CONCURRED IN AS AMENDED. Motion carried 14-6 with Bales, Barrett, Devlin, Rice, Ripley, and Steinbeisser voting no. REP. CLARK will carry the bill on the House floor.

ADJOURNMENT

Adjournment: 6:00 P.M.

REP. DANIEL FUCHS, Chairman

LINDA KEIM, Secretary

DF/LK

EXHIBIT (fih69aad)